

COUNTY OF YORK

MEMORANDUM

DATE: November 25, 2003 (BOS Meeting 12/2/03)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Procurement Policies

Staff has completed its annual review of the Procurement Policies. To assist you in your review, a copy of proposed Ordinance No. 03-36 is transmitted with this memorandum, and all proposed revisions are noted.

All of the changes are indicated with underline and strike-throughs. Most of the changes are the result of changes to the State code. Listed below are the recommended changes to the Procurement Policy:

Section 1-4(a): Affiliate. This is a new definition under the Virginia Public Procurement Act (VPPA).

Section 1-4(c): Best Value. This is a new definition under the VPPA.

Section 1-4(e): Business. This is a new definition under the VPPA.

Section 1-4(n): Reverse Auctioning. This is a new definition under the VPPA.

Section 1-6: Cooperative Procurement. This is an abstract from Code of Virginia §2.2-4304, revised VPPA.

Section 2-3(c): Competition Requirements. The dollar threshold for requesting agencies to solicit quotes is reduced from \$30,000 to \$15,000. This is proposed in response to complaints from the vendor community. We've become aware that too often the process is not done correctly or is viewed by vendors as not being competed to all vendors, etc. Reducing the threshold will reduce the incidents of improper quote solicitation.

Section 2-3(d): Competition Requirements. The County's Purchasing web site has become an integral part of the procurement process. This change will require user departments to request "informal Quotes" via our web site.

Section 2-3(e): Competition Requirements. Inserts the new term "best value" (as described in Section 1-4(c)) into this section.

Section 2-3(f): Competition Requirements. Posting on the Commonwealth's "electronic Virginia" (eVA) site is mandatory for State Agencies and voluntary for local government; however, York County has been posting on the eVA site since its inception in March 2001. It has been beneficial to the County for the business community to have a common place for posting solicitations throughout the Commonwealth.

Section 2-3(i): Competition Requirements. This is new legislation under VPPA.

Section 2-4(a): Exceptions to Competition Requirements. Changed the term "local governments" to the broader term "public entities." The term "local government" has proven too restrictive and excludes several cooperative contracts sponsored by the National Association of Counties (NACO), the Nation Institute of Governmental Purchasing (NIGP), etc. that are public agencies acting on behalf of governmental agencies.

Section 3-8: Bonds. The addition of the term "renovation" is required due to a rewriting of Code of Virginia §2.2-4337 to include "prime contractor...and performance of labor or the furnishing of materials for buildings, structures or other improvements to real property owned by a public body."

Section 3-14: Tie Bids. This proposed change is an abstract from Code of Virginia §2.2-4328, revised VPPA.

Section 3-17: Approvals. This proposed change increases the signature authority of the Purchasing Agent from \$5,000 to \$10,000.

Section 3-17: Approvals. This proposed change exempts purchases of vehicles from requiring Board approval when each unit is under \$30,000.

Section 4-1: Sale of Surplus Property. This proposed change will align the procurement policy with the actual practice followed, with Board approval, when disposing of surplus library books.

Article V: Public-Private Education Facilities And Infrastructure Act. This is a new Act adopted by the Virginia General Assembly.

APPENDIX –

§ 2.2-4312: Drug-free workplace to be maintained by contractor; required contract provisions. This is not a "mandatory section" of the VPPA; however, we propose inserting it at the request of some requesting agencies for use in County and School solicitations.

§ 2.2-4337: Performance and payment bonds. This section of the Code of Virginia was totally rewritten.

York County Board of Supervisors

November 25, 2003

Page 3

I recommend adoption of proposed Ordinance No. 03-36 to incorporate the changes noted into the County's Procurement Policy, effective upon passage of the ordinance.

White/3737

Attachment:

- Proposed Ordinance No. 03-36

